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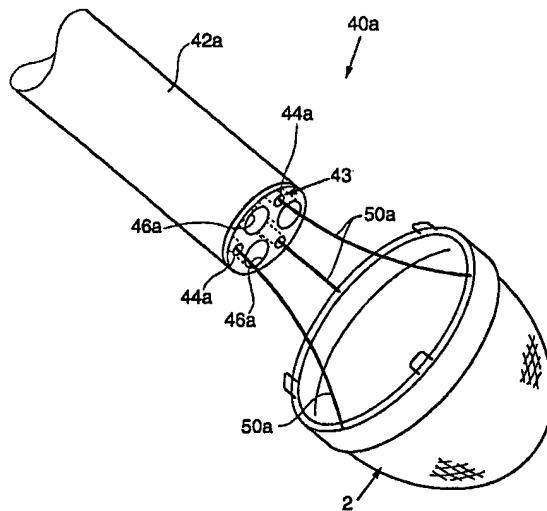
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(54) Title: POSITIONING TOOL AND METHODS FOR IMPLANTING MEDICAL DEVICES



(57) Abstract: Described herein is a positioning tool (10) having an elongate portion for carrying a medical implant (2). Also described is a method of positioning a medical implant using an elongate positioning tool. One form of the method includes positioning a medical implant on a distal portion of an elongate positioning tool, inserting the positioning tool with the implant thereon into a body cavity, manipulating the positioning tool to position the implant into contact with tissue at an attachment location, attaching the implant to surrounding tissue at the attachment location, separating the implant from the positioning tool, and withdrawing the positioning tool from the body. In a preferred embodiment, the position of the implant is visually confirmed using an endoscope before the implant is attached to surrounding tissue. In one embodiment, the implant is a satiation device and the body cavity is the esophagus and/or stomach. In an alternative embodiment, an expansion structure (17) on the distal end of the elongate portion expands and/or contracts the medical implant to facilitate positioning.

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**POSITIONING TOOLS AND METHODS FOR IMPLANTING MEDICAL  
DEVICES**

5    **Field of the Invention**

The present invention relates generally to the field of tools and methods for facilitating implantation of medical devices, and specifically to tools and methods for expanding and positioning medical implants into the proper position for attachment to body tissue.

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**Background of the Invention**

In various types of surgical procedures, medical devices are implanted at locations within the human body that are neither susceptible to direct visualization by the surgeon nor accessible by the surgeon's fingers. Such procedures are therefore performed using 15 endoscopes for visualization and endoscopic instruments for carrying out the procedures. Once such procedure is the implantation of satiation devices used to limit volume of food intake and/or control feeling of hunger in patients suffering from obesity. In a preferred approach, such devices are passed through the esophagus into the stomach and are then secured within the stomach using sutures, clips, staples, adhesives etc. The tools and 20 methods described herein are useful for introducing satiation devices into the stomach and for manipulating the devices into the appropriate implant position, and will thus will be described in that context. It should be understood, however, that these tools and methods may also be well suited for use with other types of medical implants and/or in other areas of the body.

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An anatomical view of a human stomach S and associated features is shown in Fig. 1. The esophagus E delivers food from the mouth to the proximal portion of the stomach S. The z-line or gastro-esophageal junction Z is the irregularly-shaped border between the thin tissue of the esophagus and the thicker tissue of the stomach wall. The gastro-esophageal junction region G is the region encompassing the distal portion of the 30 esophagus E, the z-line, and the proximal portion of the stomach S.

Stomach S includes a fundus F at its proximal end and an antrum A at its distal end. Antrum A feeds into the pylorus P which attaches to the duodenum D, the proximal

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region of the small intestine. Within the pylorus P is a sphincter that prevents backflow of food from the duodenum D into the stomach. The middle region of the small intestine, positioned distally of the duodenum D, is the jejunum J.

Implant devices for use in controlling obesity are shown and described in U.S. Application No. 09/940,110, filed August 27, 2001 and U.S. Application No. 10/118,289 filed April 8, 2002, U.S. Provisional Application No. 60/379,306 filed May 10, 2002, and U.S. Application No. 10/345,698, filed January 16, 2003 entitled SATIATION POUCHES AND METHODS OF USE. These applications are owned by the assignee of the present application, and the disclosures of these applications are incorporated herein by reference. One type of satiation device described in these applications is a prosthetic pouch positionable in the proximal stomach as shown in Fig. 2. The pouch 2 includes a proximal opening 4 and a smaller distal opening 6 and forms a small reservoir that collects masticated food from the esophagus – thereby limiting the amount of food that can be consumed at one time. As the pouch fills with food, it may distend, imparting pressure against the upper stomach and lower esophageal sphincter causing the patient to experience sensations of fullness. The pouch is fixed in place using clips, sutures or similar means 8 at anchor points around the perimeter of the proximal opening 4. Wire anchor loops 9 are preferably provided for receiving sutures or clips, although the pouch could also be secured to tissue using sutures, staples, clips, etc passed directly through the pouch walls. Alternatively, windows 7 may be formed in the pouch for receiving sutures during attachment of the pouch to adjacent tissue.

Optimal performance of the pouch is achieved when substantially all of the food ingested by the patient passes into the pouch. However, because of the flexible nature of the tissue of the gastro-esophageal junction region and/or the material forming the pouch, gaps can occur between the proximal perimeter of the pouch and adjacent tissue in regions between neighboring anchor points. Food entering or accumulating in the pouch can ooze from these gaps and pass around the exterior of the pouch directly into the stomach, thereby decreasing the effectiveness of the prosthesis. It is thus desirable to attach the pouch in a position and at an orientation that minimizes formation of gaps between anchor points.

Summary of the Invention

Described herein is a positioning tool having an elongate portion for carrying a medical implant. Also described is a method of positioning a medical implant using an elongate positioning tool. One form of the method includes positioning a medical implant on a distal portion of an elongate positioning tool, inserting the positioning tool with the implant thereon into a body cavity, manipulating the positioning tool to position the implant into contact with tissue at an attachment location, attaching the implant to surrounding tissue at the attachment location, separating the implant from the positioning tool, and withdrawing the positioning tool from the body. In a preferred embodiment, the position of the implant is visually confirmed using an endoscope before the implant is attached to surrounding tissue. In one embodiment, the implant is a satiation device and the body cavity is the esophagus and/or stomach. In an alternative embodiment, an expansion structure on the distal end of the elongate portion expands and/or contracts the medical implant to facilitate positioning.

Brief Description of the Drawings

Fig. 1 is a schematic illustration of a human stomach and a portion of the small intestine.

Fig. 2 is a perspective view of a satiation pouch of a type that may be positioned using the tools of Figs. 3 through 11. The pouch is shown positioned in the stomach.

Fig. 3 is a side elevation view of a first embodiment of a positioning tool, shown supporting a pouch in a collapsed position. The pouch is shown in cross-section to permit the features of the tool to be seen.

Fig. 4 is a perspective view of the distal portion of the positioning tool of Fig. 3, shown supporting a pouch (shown in phantom lines) in an expanded position.

Fig. 5 is a side elevation view of the positioning tool of Fig. 3, schematically illustrating insertion of the tool and pouch through the esophagus and into the stomach.

The pouch is shown in cross-section.

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Fig. 6 is a side elevation view similar to Fig. 5, but showing the tool expanding the pouch and positioning the pouch at the attachment site. The pouch is shown in cross-section.

5 Fig. 7 is a perspective view similar to Fig. 4 showing a slightly modified configuration in which the cannula is laterally offset from the central axis of the pouch.

Fig. 8A is a side elevation view showing a second embodiment of a positioning tool and a pouch in the collapsed position.

Fig. 8B is a side elevation view similar to Fig. 8A showing the second embodiment and pouch in the expanded position.

10 Fig. 8C is a cross-sectional end view of the second embodiment, taken along the plane designated 8C-8C in Fig. 8B.

Fig. 8D is a perspective view of the distal portion of a variation of the embodiment of Fig. 8A.

Fig. 8E is a perspective view of the variation of Fig. 8D.

15 Figs. 9A and 9B are side elevation views showing a third embodiment of a positioning tool supporting a pouch in the expanded and collapsed positions, respectively.

Figs. 10A and 10B are side elevation views showing a fourth embodiment of a positioning tool supporting a pouch in the expanded and collapsed positions, respectively.

20 Fig. 11 is a perspective view showing a sixth embodiment of a positioning tool during use.

Fig. 12 is a schematic illustrating showing a seventh embodiment of a positioning tool during use.

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#### Detailed Description of the Drawings

The positioning tools and methods of use will be described in connection with implantation of satiation pouches such as pouch 2 of Fig. 1. Descriptions of various embodiments of pouches and other satiation devices are found in U.S. Application No.

30 09/940,110, filed August 27, 2001 and U.S. Application No. 10/118,289 filed April 8, 2002, U.S. Provisional Application No. 60/379,306 filed May 10, 2002, and U.S.

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Application No. 10/345,698, filed January 16, 2003 entitled SATIATION POUCHES AND METHODS OF USE, each of which is incorporated herein by reference.

For the purposes of this application, the term "satiation devices" will be used to mean devices intended to induce weight loss in one or more of a variety of ways. These 5 include, but are not limited to, physically restricting the amount of food that can be consumed, and/or imparting pressure against portions of the body (e.g. stomach, esophagus, esophageal sphincter, etc) causing the patient to experience sensations of fullness, and/or affecting levels of hormones or other substances in the body that control or affect feelings of hunger, and/or affecting the amount of ingested food absorbed by the 10 body.

Such pouches may be formed of a flexible material that will prevent passage of food through the sides of the pouch. Examples of such materials include, but are not limited to polyesters (e.g. Dacron® polyester), ePTFE fabric (e.g. GoreTex® fabric or others), a polyurethane such as ChronoFlex® polyurethane, nylon fabrics, silicone, other 15 polymeric materials, and bio-absorbable materials (e.g. PLLA, PGA, PCL, poly-amhydride etc). The material may be a composite of compliant, semi-compliant and/or non-compliant materials that give different regions of the pouch different degrees of compliance so as to allow/limit expansion of the pouch in various locations. For example, it may be desirable to provide the pouch with a fairly elastic exit port to as to 20 prevent occlusion in the event a large piece of food is ingested and/or to control the exit pressure of food from the pouch, whereas the proximal end of the pouch may be stiffer to prevent bulging. Varying degrees of compliance may also be built into the pouch by varying the cross-sectional thickness in different regions of the pouch. The material may be coated with a lubricious, bio-compatible, chemically inert material, such as paraleyne, 25 to reduce friction on the base material's surface which will help prevent sticking and food build up on the device.

The flexible pouch material may be reinforced with, constructed of, or supported by supporting members, such as a soft mesh, a cage structure, ribs, rings etc. The supporting members may be formed of stainless steel, polymer, shape memory materials 30 such as nitinol, shape memory alloys, or shape memory polymers, or thickened regions of material. The pouch may be constructed so as to be self-expanding, such that the pouch

springs radially open into an expanded condition upon ejection from a deployment device or catheter.

Implantation of the satiation devices is preferably performed endoscopically, by passing the devices through the esophagus, preferably under endoscopic visualization.

5 Alternatively, the devices may be implanted using surgical or laparoscopic procedures.

Pouches of this type include a proximal opening and a smaller diameter distal exit port (see openings 4 and 6, respectively, of Fig. 2). Because of its small volume (which may be on the order of approximately 2 cc-300cc in volume, but is preferably in the range of 10-30 cc), the pouch functions to limit the amount of food that can be consumed at one time. Over time the food within this reservoir descends into the stomach through the exit port. During implantation, the pouch is secured at the gastro-esophageal junction region G using sutures, clips, adhesives, staples, stents, or other suitable means. Although the pouch may be secured to the esophageal tissue, it is more preferable to apply sutures/clips etc below the Z-line to allow for attachment to the thicker tissue of the stomach wall. An endoscopic device for applying sutures between the device and tissue, such as the flexible "Sew-Right" device (not shown) available from LSI Solutions of Victor, New York, may be used to complete the attachment, although sutures, staples, clips or adhesives may be applied using alternative means.

20           *First Embodiment*

Fig. 3 shows a first embodiment of a positioning tool. Tool 10 includes a handle 12 and a cannula 14 extending longitudinally from the distal end of the handle 12. An advancement mandrel 16 is slidably disposed within the cannula 14.

An expansion structure 17 is provided for supporting and expanding a pouch 2 for insertion into the stomach. Expansion structure 17 of the first embodiment is formed of a system of rods 18. Each rod includes a proximal end 20 pivotally connected to cannula 14, and a distal end 22 pivotally connected to mandrel 16. Each rod 18 further includes an intermediate pivot point 24 between the proximal and distal ends. Pouch 2 is temporarily secured to rods 18, preferably at pivot points 24 using sutures 26 (Fig. 4) or other detachable fasteners or self-releasing mechanisms.

A sliding member 28 is slidably positioned on handle 12. Sliding member 28 includes a lower portion 30 that is moveable within a corresponding slot 32 in the handle.

Lower portion 30 is fixed to the mandrel 16 such that movement of the sliding member 28 in a proximal or distal direction produces corresponding movement of the mandrel 16.

Mandrel 16 may (optionally) be of sufficient length to extend through the distal opening 6 of pouch 2, forming a distal guide member 34 that provides tactile guidance to 5 the physician during advancement of the mandrel into the esophagus and stomach. Guide member 34 is preferably flexible and includes an atraumatic tip 36 which minimizes tissue damage when the tip is advanced into contact to tissue of the esophagus or stomach. Examples of atraumatic tip configurations include, the spherical bead in Fig. 4 or a J-wire tip. Alternatively, mandrel 16 may be sized such that its distal end terminates 10 within the pouch 2.

Prior to use, sliding member 28 is initially advanced in a distal direction as indicated by arrow A2 in Fig. 3. Distal movement of sliding member 28 causes mandrel 16 to push the distal ends 22 of rods 18 distally, causing the expansion structure 17 to collapse into the configuration shown in Fig. 3. Next, tip 36 of mandrel 16 is passed 15 through the proximal and distal openings 4, 6, of the pouch 2, and the pouch is drawn onto the rods 18. The pouch is temporarily sutured to the rods, preferably at intermediate pivot points 24. A sheath 38 may be positioned over the pouch and rods to provide a more streamlined profile for insertion through the esophagus.

Referring to Fig. 5, the expansion structure 17 and pouch 2 are inserted into the 20 patient's oral cavity, down the esophagus E, and into the stomach S. If used, the sheath 38 (not shown in Fig. 5) is removed from the pouch and withdrawn from the stomach using an endoscopic grasping device or other means such as a tether.

The sliding member 28 is withdrawn in the proximal direction A1, causing the mandrel 16 to pull the distal ends 22 of the rods 18 in the proximal direction, towards the 25 proximal ends 20 of the rods. This action causes the rods to flare outwardly at pivot points 24 in a manner resembling the expansion of a "moly bolt." This expansion of the rods drives the pouch into its expanded configuration as shown in Fig. 6.

Under endoscopic visualization, the handle 12 is pulled in a proximal direction to draw the proximal rim of the pouch 2 into contact with tissue at the desired attachment 30 location. Once it is visually confirmed that the pouch is properly positioned, the pouch is fixed to the surrounding tissue using sutures, clips, staples etc. secured through anchor loops 9 (Fig. 6) or directly through the walls of the pouch. Alternatively, the pouch may

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be manipulated into the attachment location prior to expansion, then expanded into contact with surrounding tissue, and then anchored in place. Ideally, the rim of the pouch will form a seal with the adjacent tissue, however it is sufficient in each of the described embodiments that there is sufficient contact to prevent a substantial amount of food from 5 passing between the exterior of the pouch and adjacent tissue, without necessarily forming an impermeable seal.

Next, the temporary sutures 26 connecting the pouch 2 to the expansion structure 17 are clipped, and the expansion structure is withdrawn into the collapsed position by advancing the sliding member 28 distally. The tool is withdrawn from the stomach, 10 leaving the pouch in place.

It should be noted that cannula 14 may be substantially straight as shown in Fig. 3, or it may have the curved profile shown in Fig. 4. The curved configuration facilitates visualization of and access to the pouch, rods and sutures by allowing the handle to be laterally offset from the central axis of the pouch. If the curved cannula is used, the 15 mandrel 16 should be sufficiently flexible to slide readily within the curved portion of the cannula.

In a slightly modified configuration shown in Fig. 7, the cannula 14a is offset from the central axis of the pouch 2 and three rods 18a function to expand the pouch.

20           *Second Embodiment*

Figs. 8A and 8B show a second embodiment of a positioning tool 40. Tool 40 includes an elongate sheath 42 having a plurality of mandrel lumens 44 and a central lumen 46. The mandrel lumens 44 and central lumen 46 are continuous with a single, larger diameter distal lumen 48 positioned at the distal end of the sheath 42. Positioning 25 mandrels 50 extend through mandrel lumens 44 and are temporarily attached to a pouch 2 at anchor loops 9 or at alternative locations, using sutures or other detachable or self-releasing means. Positioning mandrels may be spring biased in a radially outward position such that the mandrels spring outwardly when released from the sheath 42, to expand the pouch 2. On the other hand, the spring feature of the mandrels may be 30 eliminated for a variety of reasons, for example if the pouch is constructed to be self-expanding, or if the mandrels may be simply steered to an outward orientation.

Prior to use, the pouch 2 and the distal ends of the mandrels 50 are disposed within the sheath 42, with the pouch 2 housed within the distal lumen 48 of the sheath. The sheath 42 is passed into the esophagus and advanced until the open distal end is disposed within the stomach. The proximal ends of the sheath 42 and mandrels 50 remain 5 outside of the patient's oral cavity.

Positioning mandrels 50 are advanced to expel the pouch from the open end of the sheath 42 and to open the pouch to its expanded position as shown in Fig. 8B. An additional supporting mandrel or endoscopic grasper (not shown) may be extended through central lumen 46 and used to support the pouch during this and/or later stages of 10 deployment.

An endoscope 52 is passed through the central lumen and advanced into the stomach and the sheath and mandrels are manipulated under endoscopic visualization to position the proximal portion of the pouch at the desired attachment location, such as at the gastro-esophageal junction region. For example, the sheath and/or the mandrels may 15 be moved proximally or distally to adjust the proximal/distal location of the implant. The mandrels may be moved simultaneously or independently. The angle of the implant may be "fine tuned" to match the anatomy of the attachment location by individually adjusting the positioning mandrels.

Once the pouch is visually confirmed to be in an appropriate orientation for 20 fixation, an attachment device is extended through the central lumen 46 and is used to apply sutures, staples, clips or adhesive to secure the pouch 2 to the surrounding tissue. Sutures connecting the positioning mandrels to the pouch are snipped and the mandrels are withdrawn. The endoscope and any remaining instruments are removed from the central lumen 46, and the sheath 42 is withdrawn from the patient, leaving the pouch 25 positioned within the stomach. As is apparent from this description, the sheath 42 used in the second embodiment is advantageous in that it provides channels for the various tools employed, thereby protecting the esophagus from trauma and maintaining a working window by supporting the esophagus against collapse. It also allows clear access to anchor points on the implant since tools are passed through the central lumen of the 30 sheath. If the sheath has a diameter that is large enough to minimize lateral play of the sheath within the esophagus, the sheath will also facilitate centering of the pouch and tools within the operative area.

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In a modification to the second embodiment, shown in Figs. 8D and 8E, positioning tool 40a includes an elongate sheath 42a. Slidable within the sheath is a cluster 43 of guide tubes 44a and instrument tubes 46a, preferably fixed in relation to one another. The proximal end of each instrument tube 46a forms an instrument port 47 (Fig. 8E) that remains outside the body during use. Mandrels 50a extend through the guide tubes 44a and are temporarily attached to the pouch 2.

Cluster 43 may alternatively be a multi-lumen extrusion having lumens in place of guide tubes 44a and instrument tubes 46a.

Prior to use, the pouch 2 and the distal ends of the mandrels 50a are disposed 10 within the sheath 42a, and sheath 42a is passed into the esophagus and advanced until the open distal end is disposed within the stomach. Next, the positioning mandrels 50a are advanced to expel the pouch from the open end of the sheath 42a and to open the pouch to its expanded position as shown in Figs. 8D and 8E.

An endoscope 56 is passed through an instrument port 47 (Fig. 8E) at the 15 proximal end of the tool 40a and advanced into the stomach. The mandrels are manipulated under endoscopic visualization to position the proximal portion of the pouch at the desired attachment location. The mandrels may be moved proximally or distally to adjust the proximal/distal location of the implant. The mandrels may be moved simultaneously, or they may be moved independently to adjust the angle of the implant to 20 match the anatomy of the attachment location.

Once the pouch is visually confirmed to be in an appropriate orientation for fixation, an attachment device 58 such as the suture device shown in Fig. 8E is passed into an instrument port 47 and extended through an instrument tube 46a. The attachment device is used to apply fasteners such as sutures, staples, clips, adhesive etc. to secure the 25 pouch 2 to the surrounding tissue. The attachment device 58, endoscope 56, and any other instruments passed through instrument ports 47 may be articulated using separate articulating components provided on the instruments themselves, or by articulating the cluster 43 itself using wire or other articulating components that may be actuated from outside the body.

Once the pouch is positioned, the mandrels are detached from the pouch and the 30 mandrels are withdrawn. The endoscope and any remaining instruments are removed

from the instrument lumens 46a, and the sheath 42a is withdrawn from the patient, leaving the pouch positioned within the stomach.

5           *Third Embodiment*

The third embodiment of a positioning tool 60 is similar to the first embodiment in that it utilizes a similar arrangement of a handle 62, slide member 64, cannula 66 and advancement mandrel 68. Mandrel 68 is coupled to an array of spring members 69 having a pre-formed arcuate shape as shown in Fig. 9A. Spring members 69 are 10 temporarily attached to a pouch 2 as shown in Fig. 9A using sutures or the like.

For insertion of the pouch 2 into the body, slide member 64 is withdrawn in the proximal direction, thereby causing mandrel 68 to pull spring members 69 in a proximal direction and into the cannula 66. The pouch 2 may be packaged within a sheath (not shown but see sheath 38 of Fig. 3) to provide a more streamlined profile for insertion 15 through the esophagus.

The distal end of the positioning tool 60 is passed through the esophagus and into the stomach. The slide 64 member is advanced in the distal direction, causing the mandrel 16 to extend the spring members 69 from cannula 66 and to spring into their natural curved orientations, thereby expanding the pouch. The handle 62 is manipulated 20 while the pouch location is monitored endoscopically to position the pouch at the attachment location. With the pouch at the attachment location, the sheath (if any) is removed and the pouch is fixed to the surrounding tissue using sutures, clips, staples etc. secured through anchor loops 9 (Fig. 6) or directly through the walls of the pouch. Spring members 69 are then snipped free of the pouch 2 and are withdrawn into the cannula 66. 25 The cannula 66 is withdrawn from the tissue, leaving the pouch 2 in place.

*Fourth Embodiment*

In a fourth embodiment, shown in Figs. 10A and 10B, positioning tool 70 uses an inflatable balloon 72 as the expansion structure for the pouch. The balloon may be 30 formed of elastic or inelastic materials, including silicone, polyurethane or other suitable materials. Balloon 72 is mounted to the distal end of a hollow cannula 76, and the a pouch 2 is temporarily attached to the exterior of the balloon 72 using sutures 74 or other

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detachable fasteners. Cannula optionally include an atraumatic distal tip 77 that may protrude out the distal opening 6 of the pouch 2 as in prior embodiments, or that may be disposed within the pouch 2 as shown.

Cannula 76 extends longitudinally from a handle 78. A source of inflation medium is fluidly coupled to the cannula by an inflation lumen (not shown) extending through the handle 78. Inflation medium flows into balloon 72 from an exit port 79 disposed within the balloon.

For insertion, the un-inflated balloon 72 and the pouch 2 may be packaged within a sheath as described previously. After the distal end of the positioning tool 70 and the pouch are inserted into the stomach, the sheath is removed and the balloon 72 is inflated to expand the pouch. The tool is withdrawn to draw the pouch into the desired attachment location, and it is visually confirmed that the circumference of the pouch is in contact with the surrounding tissue. Alternatively, the pouch may be positioned at the attachment location prior to inflation of the balloon. Under this alternative, the balloon expands the pouch into contact with the surrounding tissue.

Fine tuning of the pouch position is achieved by manipulating the positioning mandrel. Once the pouch is properly positioned, it pouch is secured to the surrounding tissue. The pouch is disconnected from the balloon 72, and the positioning tool 70 is then withdrawn from the patient's body.

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#### *Fifth Embodiment*

Fig. 11 shows a fifth embodiment of a positioning tool 80 which is similar to the fourth embodiment in that it includes an elongate cannula 82 carrying an inflatable distal expansion balloon 84. A proximal handle (not shown but see handle 78 of Fig. 10A) is attachable to a source of inflation medium for inflating the balloon 84. As with the fourth embodiment, the pouch 2 is attached either directly to the balloon 84 or to anchoring devices prior to implantation, and is inflated to expand the pouch.

The positioning tool 80 of the fifth embodiment differs from that of the fourth embodiment in that it includes a guide balloon 86 that is positionable over the cannula 82 as shown in Fig. 11. Guide balloon 86 includes a central channel 88 for receiving the cannula 82, as well as adjacent channels 90, 92 for receiving additional tools such as an endoscope 94 and a suturing device 96 that are required for placement of the implant.

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The relative positions of the channels 88, 90, 92 are selected to allow the positioning mandrel, endoscope, and attachment device to be arranged (relative to one another and to the pouch) in a manner which helps to center the pouch and tools within the operative area, which minimizes interference between the tools, which facilitates access to the 5 attachment points using the attachment device, and which provides optimal visualization using the endoscope. Guide balloon 86 also includes an inflation tube that is not shown in Fig. 11.

The guide balloon 86 may be fixed to the cannula 82 or slidable on the cannula surface. If slidable, it may be provided as a permanent component of the positioning 10 mandrel, or it may be provided as a separate component that can be added to the positioning mandrel, such as by briefly removing the proximal handle (see handle 78 of the Fig. 10A embodiment) to allow the balloon to be threaded onto the cannula. Materials useful for both of the balloons include elastic or inelastic materials suitable for use within the body.

15 During use of the fifth embodiment, the positioning mandrel, with the pouch 2 thereon, is inserted through the esophagus and into the stomach. The guide balloon 86 is positioned within the esophagus, preferably during or after insertion of the pouch into the stomach. The guide balloon 86 and expansion balloon 84 are inflated, either independently or simultaneously.

20 Endoscope 94 and attachment device 96 are extended through the channels 90, 92. The pouch 2, which has been expanded by the inflation of balloon 84, is moved into proper implantation position by manipulating the mandrel 82, and the pouch is secured in the proper position using the attachment device 96. As with each of the prior embodiments, these positioning and attaching steps are preferably performed under 25 visualization using the endoscope.

If an impermeable seal between the pouch 2 and the surrounding tissue is desired (and if the instruments passed through the guide balloon 86 are in sealing contact against its channels 88, 90, 92), the patency of the seal may be checked before the pouch is fixed in place. This may be done by passing insufflation gas into the space between the guide 30 balloon 86 and expansion balloon 84 and evaluating whether the gas is passing around the pouch and into the stomach.

If necessary, the guide balloon 86 may be rotated within the esophagus to change the rotational positions of the attachment device 96 and guide balloon 86. At the end of the procedure, the pouch is detached from the balloon 84, the balloon 84 and guide balloon 86 are deflated, and all components are removed from the body, leaving the

5 pouch within the stomach.

A guide balloon similar to the balloon 86 of the fifth embodiment may be provided with various others of the described embodiments to facilitate centering and/or tool placement.

10 *Sixth Embodiment*

Fig. 12 shows a sixth embodiment of a positioning tool 100. One aspect in which tool 100 differs from prior embodiments is in its lack of an active expansion mechanism at its distal end. Tool 100 includes an elongate mandrel 102 having a control handle 104 positionable outside of the body. Pouch 2 is temporarily attached to the distal end of the

15 tool using detachable or self-releasing attachment means. Mandrel 102 may (optionally) be of sufficient length to extend through the distal opening 6 of pouch 2, forming a distal guide member with an atraumatic tip 106 that provides tactile guidance to the physician during advancement of the mandrel into the esophagus and stomach.

During use, mandrel 102 is used to direct the pouch 2 through the oral cavity and

20 esophagus and into the proximal stomach. In one method, the mandrel with the pouch on its distal end may be positioned within a sheath (not shown), and the distal end of the sheath passed through the esophagus and into the stomach. The sheath and/or mandrel are manipulated to release the pouch 2 from the sheath, preferably at a desired attachment location. If the pouch is self-expandable, release of the pouch from the sheath will cause

25 the pouch to self-expand, preferably (but optionally) into contact with the surrounding walls of the proximal stomach. This positioning step may be performed under visualization using an endoscope passed through the esophagus and into the region of interest.

If repositioning of the pouch 2 is needed, the control handle 104 of the mandrel is

30 manipulated (e.g. rotated, advanced, retracted, pivoted) to move the pouch to a desired position and orientation. Next, the pouch is anchored to neighboring tissue as described above. The pouch is released from the mandrel. The mandrel and any other tools are

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withdrawn from the body. Various embodiments of positioning tools have been described herein. These embodiments are given by way of example and are not intended to limit the scope of the present invention. It should be appreciated, moreover, that the various features and steps of the embodiments that have been described may be combined 5 in various ways to produce numerous additional embodiments and methods. Moreover, while various materials, dimensions, shapes, implantation locations, etc. have been described for use with disclosed embodiments, others besides those disclosed may be utilized without exceeding the scope of the invention.

## WE CLAIM:

1. A method of implanting a satiation device in an upper gastro-intestinal region of a body, comprising the steps of:

5 positioning a satiation device on a distal portion of an elongate positioning tool;

inserting the positioning tool with the satiation device thereon through an oral cavity and into a portion of the upper gastro-intestinal tract;

manipulating the positioning tool to position the satiation device into  
10 contact with tissue at an attachment location;

attaching the satiation device to surrounding tissue at the attachment location;

separating the satiation device from the positioning tool; and

withdrawing the positioning tool from the body.

15 2. The method of claim 1, further including the step of expanding the distal portion of the positioning tool to expand the satiation device.

20 3. The method of claim 2, wherein the expanding step is performed with the satiation device in the proximal stomach, and the manipulating step includes drawing the satiation device into contact with tissue of the gastro-esophageal junction region.

25 4. The method of claim 3, wherein the manipulating step includes drawing the satiation device into contact with tissue below the z-line of the gastro-esophageal junction region.

5. The method of claim 3, wherein the manipulating step includes drawing the satiation device into contact with tissue of the esophagus.

30 6. The method of claim 3, wherein the manipulating step includes drawing the satiation device into contact with tissue of the proximal stomach.

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7. The method of claim 3, wherein the manipulating step causes a circumferential region of the satiation device to make sealing contact with tissue of the gastro-esophageal junction region.

5 8. The method of claim 3, wherein:

the positioning tool includes a mandrel and a plurality of rods coupled to the mandrel;

the positioning step includes positioning the satiation device on the rods; and

10 the expanding step includes extending a portion of at least one of the rods away from the mandrel.

9. The method of claim 8, wherein the mandrel is slidable within a cannula, wherein at least one of the rods has a first end attached to the mandrel, a second end 15 attached to the cannula, and a pivot point between the first and second ends, and wherein the expanding step includes sliding the mandrel relative to the cannula to cause the pivot point to move in a lateral direction relative to the mandrel.

20 10. The method of claim 8, wherein:

the mandrel is slidable within a cannula, and the rods are disposed within the cannula when in an un-expanded position;

the expanding step includes sliding the mandrel relative to the cannula to cause the rods to extend from a distal opening in the cannula and to cause a portion of at least one of the rods to spring in a lateral direction relative to the 25 cannula.

11. The method of claim 2, wherein:

the positioning tool includes an inflatable balloon;

30 the positioning step includes positioning the satiation device on the inflatable balloon; and

the expanding step includes introducing an inflation medium into the balloon.

12. The method of claim 1, wherein:

the providing step further provides a guide connected to the positioning tool and defining a first channel;

5 the inserting step includes positioning the guide within the esophagus; and

the method includes the steps of passing an instrument through the channel in the guide and using the instrument in performing the attaching step.

10 13. The method of claim 12, wherein the guide is an inflatable balloon,

wherein the first channel extends through the balloon, and wherein the balloon further includes a second channel for receiving the positioning tool.

14. The method of claim 12, further including the step of rotating the guide to  
15 reposition the instrument.

15. The method of claim 1, wherein the placing step includes using a fastener to attach the satiation device to the positioning tool.

20 16. The method of claim 1, further including the step of, prior to the attaching step, visually inspecting the position of the satiation device using an endoscope.

17. A method of endoscopically positioning a medical implant, comprising the steps of:

25 positioning a medical implant on a distal portion of an elongate positioning tool;

inserting the positioning tool with the implant thereon into a body cavity;

manipulating the positioning tool to position the implant into contact with tissue at an attachment location;

30 visually confirming positioning of the implant using an endoscope;

attaching the implant to surrounding tissue at the attachment location;

separating the implant from the positioning tool; and

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withdrawing the positioning tool from the body.

18. The method of claim 17, further including the step of expanding the distal portion of the positioning tool to expand the implant.

5

19. The method of claim 17, wherein the manipulating step causes a circumferential region of the implant to make sealing contact with tissue at the attachment location.

10 20. The method of claim 18, wherein:

the positioning tool includes a mandrel and a plurality of rods coupled to the mandrel;

the positioning step includes positioning the implant on the rods; and

the expanding step includes extending a portion of at least one of the rods

15 away from the mandrel.

21. The method of claim 20, wherein the mandrel is slidable within a cannula, wherein at least one of the rods has a first end attached to the mandrel, a second end attached to the cannula, and a pivot point between the first and second ends, and wherein 20 the expanding step includes sliding the mandrel relative to the cannula to cause the pivot point to move in a lateral direction relative to the mandrel.

22. The method of claim 20, wherein:

the mandrel is slidable within a cannula, and the rods are disposed within 25 the cannula when in an un-expanded position;

the expanding step includes sliding the mandrel relative to the cannula to cause the rods to extend from a distal opening in the cannula and to cause a portion of at least one of the rods to spring in a lateral direction relative to the cannula.

30

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23. The method of claim 18, wherein:

the positioning tool includes an inflatable balloon;

the positioning step includes positioning the implant on the inflatable balloon; and

5 the expanding step includes introducing an inflation medium into the balloon.

24. The method of claim 17, wherein:

10 the providing step further provides a guide connected to the positioning tool and defining a first channel; and

the method includes the steps of passing an instrument through the channel in the guide and using the instrument in performing the attaching step.

25. The method of claim 24, wherein the guide is an inflatable balloon,

15 wherein the first channel extends through the balloon, and wherein the balloon further includes a second channel for receiving the positioning tool.

26. The method of claim 24, further including the step of rotating the guide to reposition the instrument.

20

27. The method of claim 17, wherein the placing step includes using a fastener to attach the implant to the positioning tool.

25 28. A positioning tool for positioning a satiation device within an upper gastro-intestinal region of a body for attachment to body tissue, the positioning tool comprising:

an elongate mandrel proportioned to extend from an oral cavity into a human stomach; and

30 a temporary fastener for detachably connecting a satiation device to a distal portion of the elongate mandrel.

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29. The positioning tool of claim 28, further including:  
an expansion structure mounted to a distal portion of the mandrel and  
having collapsed and expanded positions, the expansion structure positionable in  
an interior passage of a medical implant such that expansion of the expansion  
structure from the collapsed to the expanded positions causes expansion of the  
implant.

5 30. The positioning tool of claim 29, wherein the fastener is further for  
connecting the satiation device to the expansion structure.

10 31. The positioning tool of claim 29, wherein the expansion structure includes  
a plurality of rods coupled to the mandrel, at least a portions of the rods extendable away  
from the mandrel.

15 32. The positioning tool of claim 31, wherein the mandrel is at least partially  
disposed within a cannula, wherein at least one of the rods has a first end attached to the  
mandrel, a second end attached to the cannula, and a pivot point between the first and  
second ends, and wherein the mandrel is slidable relative to the cannula to cause the pivot  
point to move away from the mandrel.

20 33. The positioning tool of claim 31, wherein the mandrel is at least partially  
disposed within a cannula, and wherein the mandrel is slidable relative to the cannula  
between a retracted position in which the rods are disposed within the cannula, and an  
extended position in which the rods to extend from a distal opening in the cannula and in  
25 which a portion of at least one of the rods extends in a lateral direction relative to the  
cannula.

30 34. The positioning tool of claim 29, wherein:  
the expansion structure includes an inflatable balloon and a source of  
inflation medium fluidly coupled to the balloon.

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35. The positioning tool of claim 28, further including a guide connected to the positioning tool and defining a first channel, the channel proportioned to receive a medical instrument.

5 36. The method of claim 35, wherein the guide is an inflatable balloon, wherein the first channel extends through the balloon, and wherein the balloon further includes a second channel for receiving the mandrel.

10 37. The method of claim 35, wherein the guide is rotatable within a body cavity to reposition the instrument.

15 38. A satiation implant system, comprising:  
an elongate mandrel proportioned to extend from an oral cavity into a  
human stomach;  
a satiation implant, the implant having a proximal opening and a distal  
opening and a passage extending between the proximal and distal openings, the  
satiation implant releasably attached to a distal portion of the elongate mandrel.

20 39. The implant system of claim 38, wherein the mandrel includes an  
expansion structure mounted to a distal portion of the mandrel and having collapsed and  
expanded positions, the expansion structure positionable in an interior passage of a  
medical implant such that expansion of the expansion structure from the collapsed to the  
expanded positions causes expansion of the implant.

25 40. The implant system of claim 39, wherein the satiation device is releasably  
attached to the expansion structure.

30 41. The implant system of claim 39, wherein the expansion structure includes  
a plurality of rods coupled to the mandrel, at least a portions of the rods extendable away  
from the mandrel.

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42. The implant system of claim 41, wherein the mandrel is at least partially disposed within a cannula, wherein at least one of the rods has a first end attached to the mandrel, a second end attached to the cannula, and a pivot point between the first and second ends, and wherein the mandrel is slidable relative to the cannula to cause the pivot point to move away from the mandrel.

5  
43. The implant system of claim 41, wherein the mandrel is at least partially disposed within a cannula, and wherein the mandrel is slidable relative to the cannula between a retracted position in which the rods are disposed within the cannula, and an extended position in which the rods extend from a distal opening in the cannula and in which a portion of at least one of the rods extends in a lateral direction relative to the cannula.

10  
15  
44. The implant system of claim 39, wherein:  
the expansion structure includes an inflatable balloon and a source of inflation medium fluidly coupled to the balloon.

20  
45. The implant system of claim 38, further including a guide connected to the mandrel and defining a first channel, the channel proportioned to receive a medical instrument.

25  
46. The implant system of claim 45, wherein the guide is an inflatable balloon, wherein the first channel extends through the balloon, and wherein the balloon further includes a second channel for receiving the mandrel.

47. The implant system of claim 45, wherein the guide is rotatable within a body cavity to reposition the instrument.

30  
48. The implant system of claim 38, further including attachment means for securing a portion of the satiation implant to body tissue within a stomach.

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49. The implant system of claim 48, wherein the attachment means includes sutures.

50. The implant system of claim 48, wherein the attachment means includes  
5 clips.

51. The implant system of claim 48, wherein the attachment means includes staples.

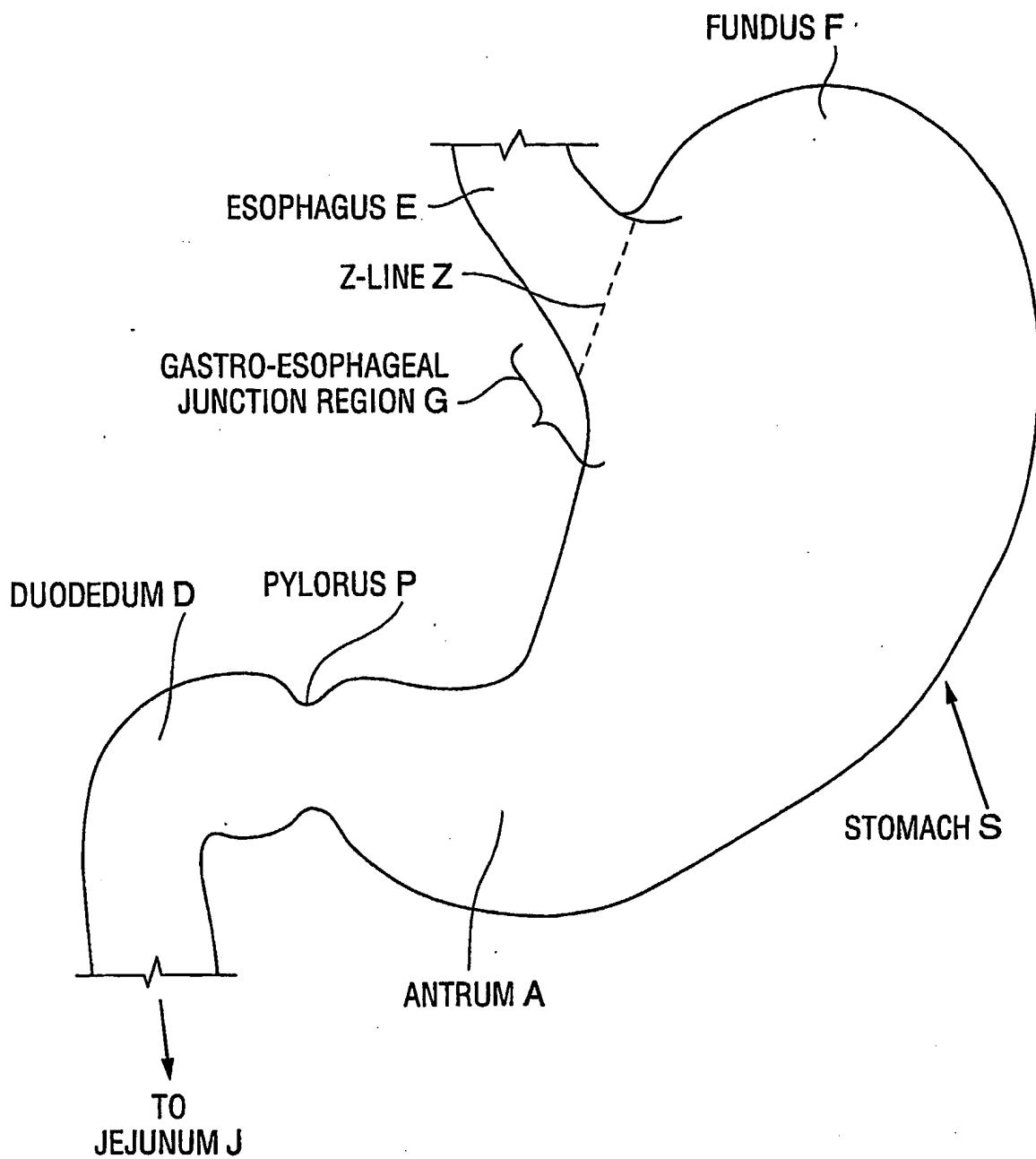
10 52. The implant system of claim 48, wherein the attachment means includes fasteners.

53. The implant system of claim 48, wherein the attachment means includes adhesive.

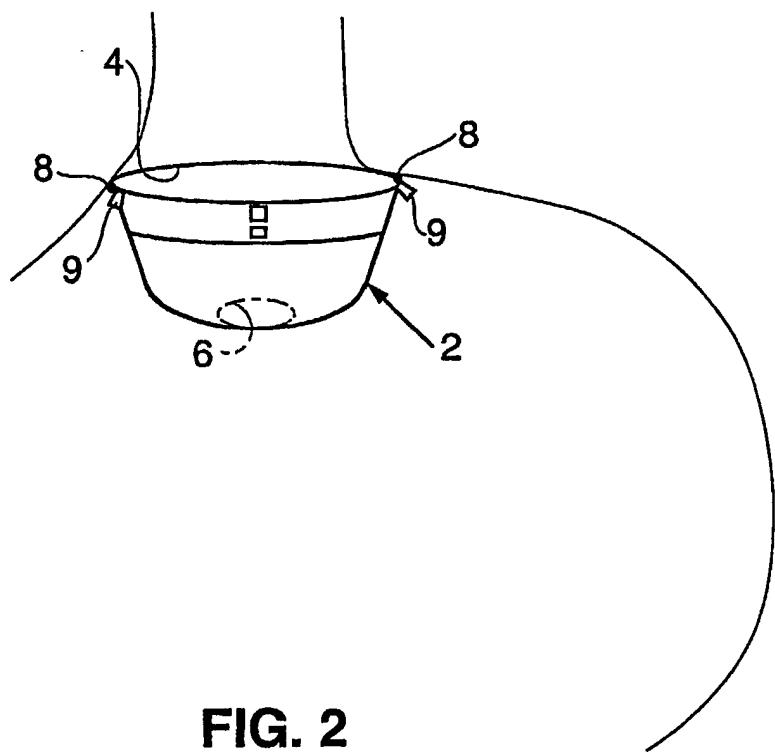
15 54. The implant system of claim 38, further including an elongate sheath proportioned to be positioned within a human esophagus, the sheath including a lumen sized to telescopically receive the mandrel with the satiation pouch thereon.

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**FIG. 1**

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**FIG. 2**

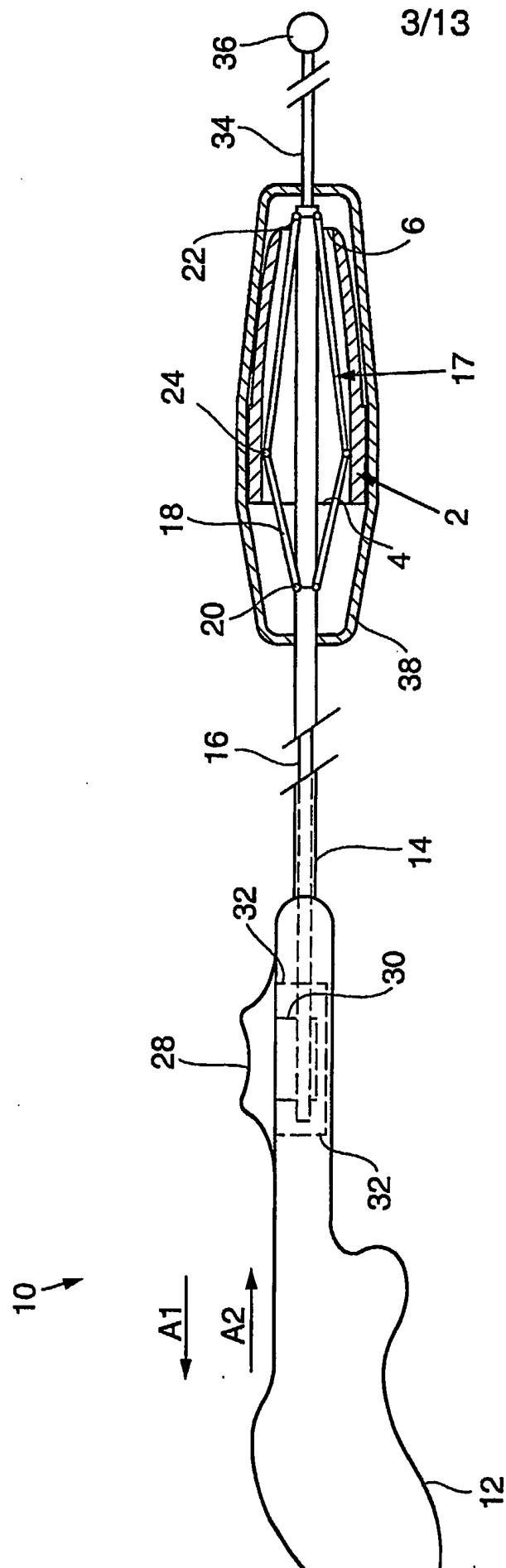


FIG. 3

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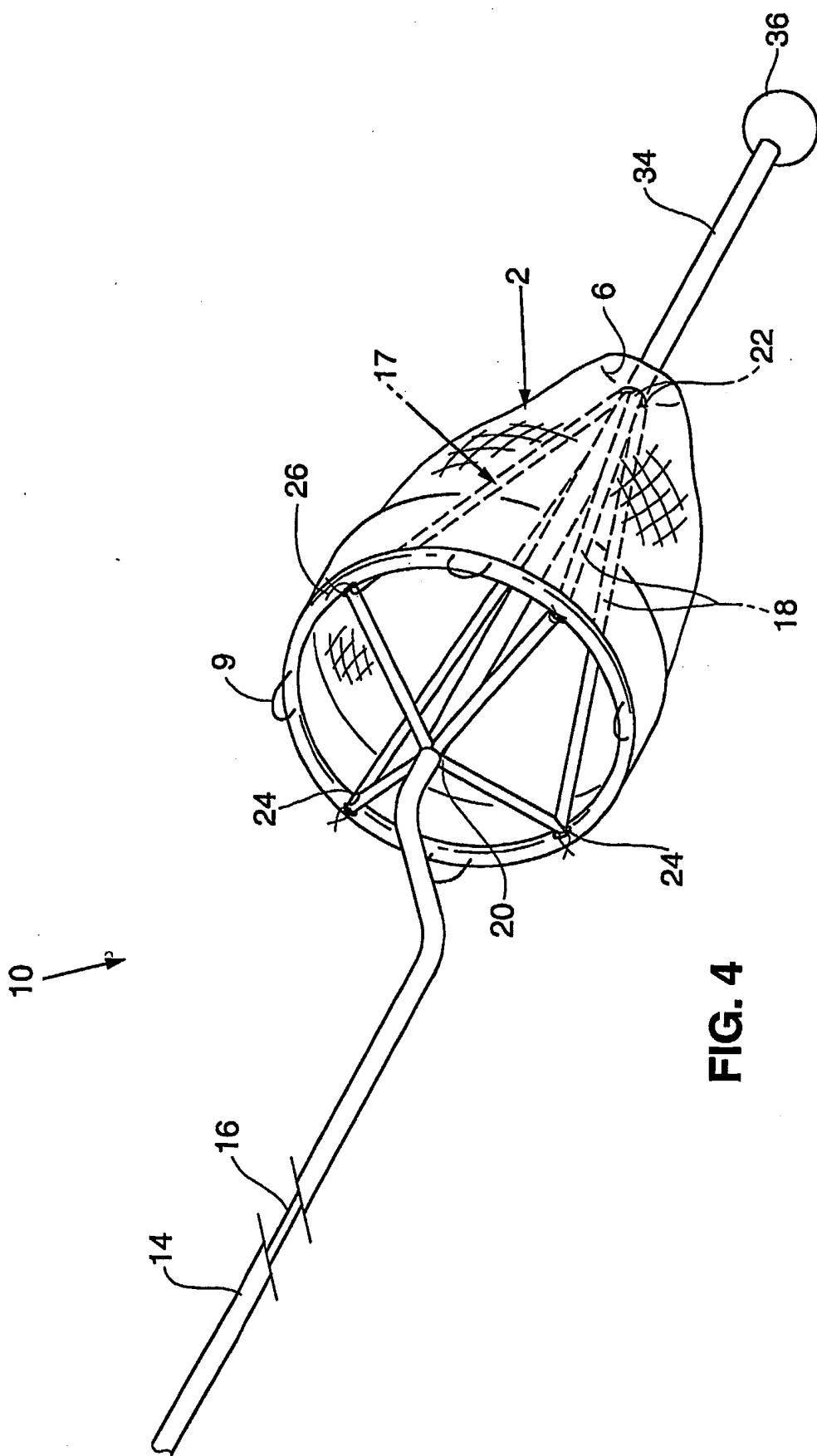
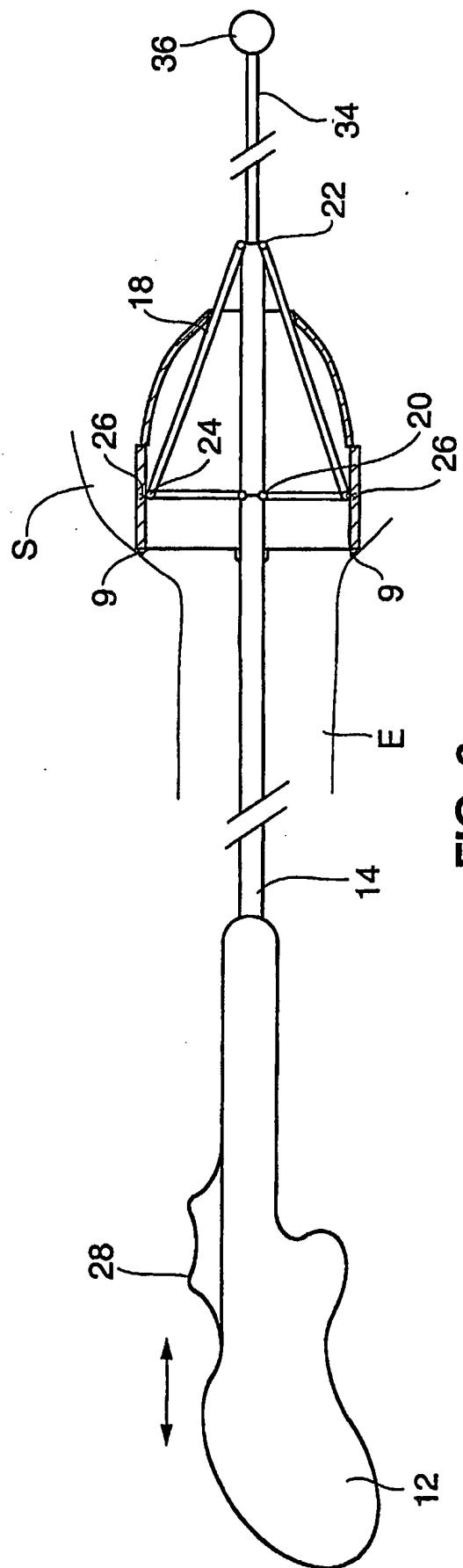
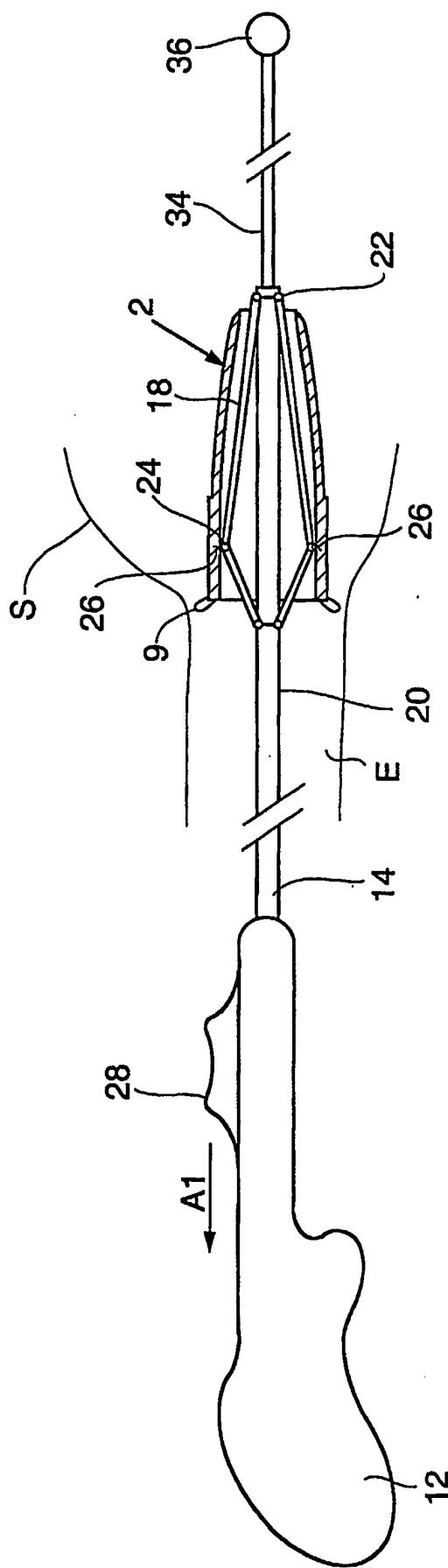


FIG. 4

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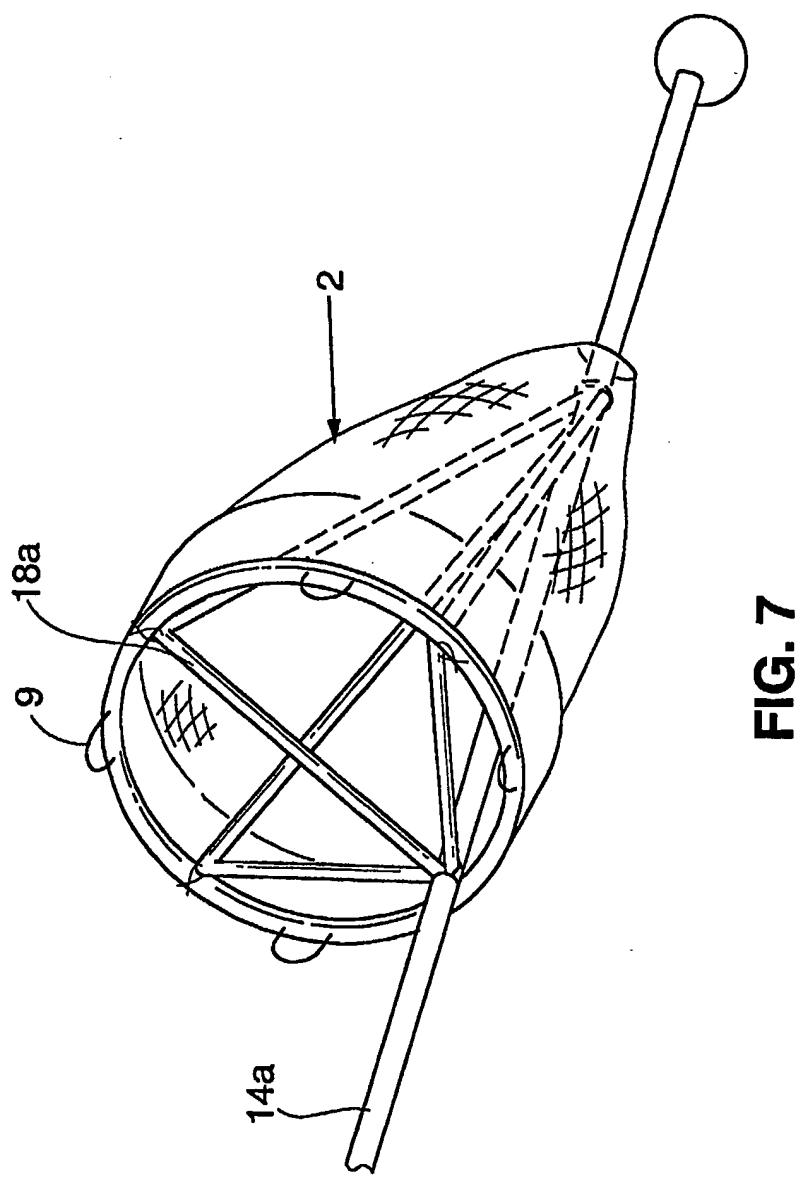


FIG. 7

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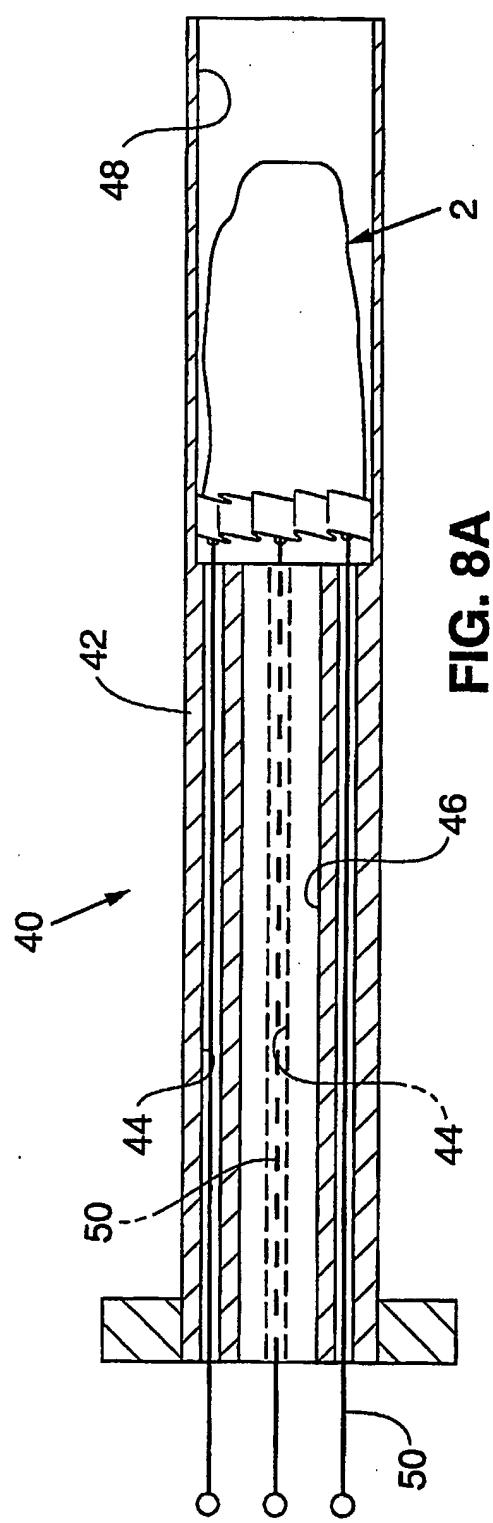


FIG. 8A

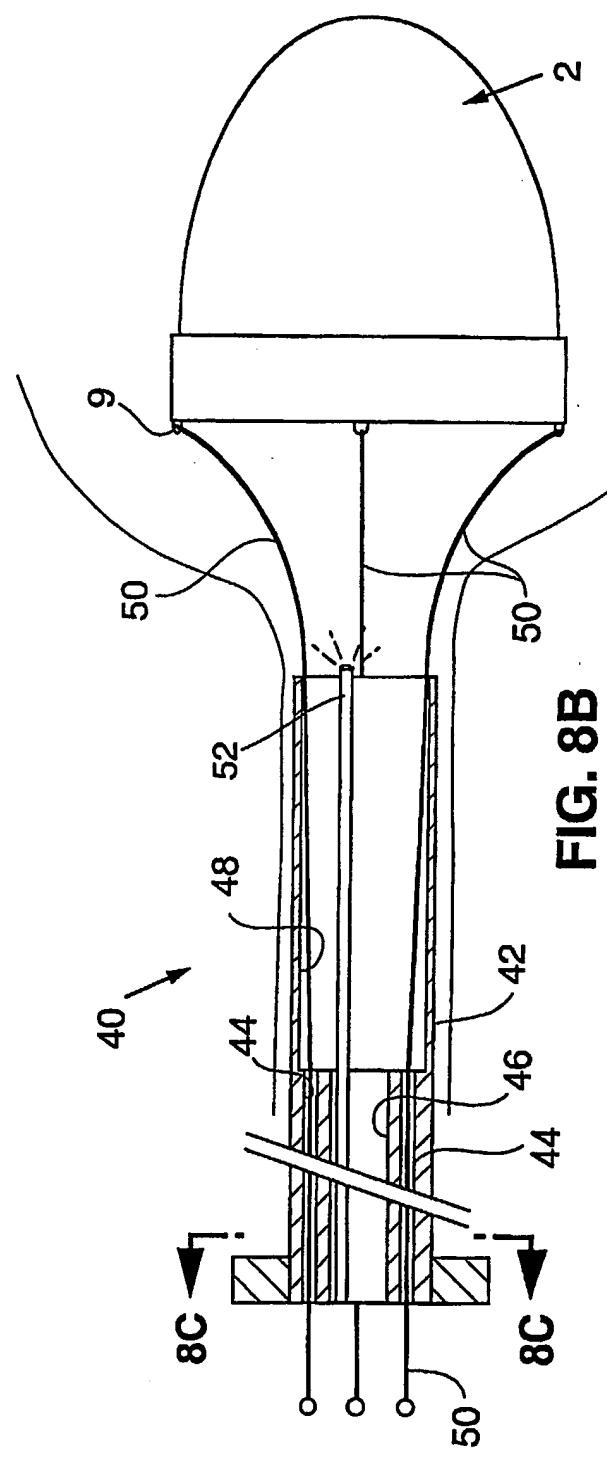
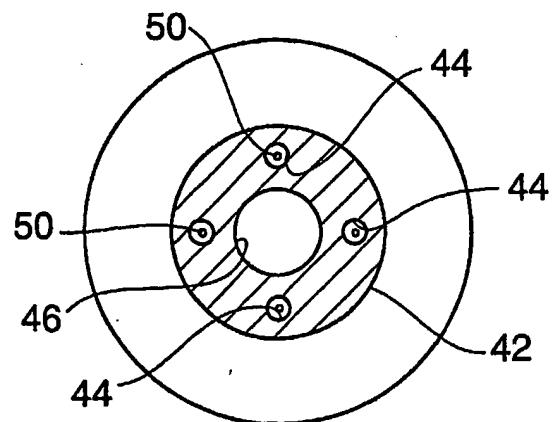
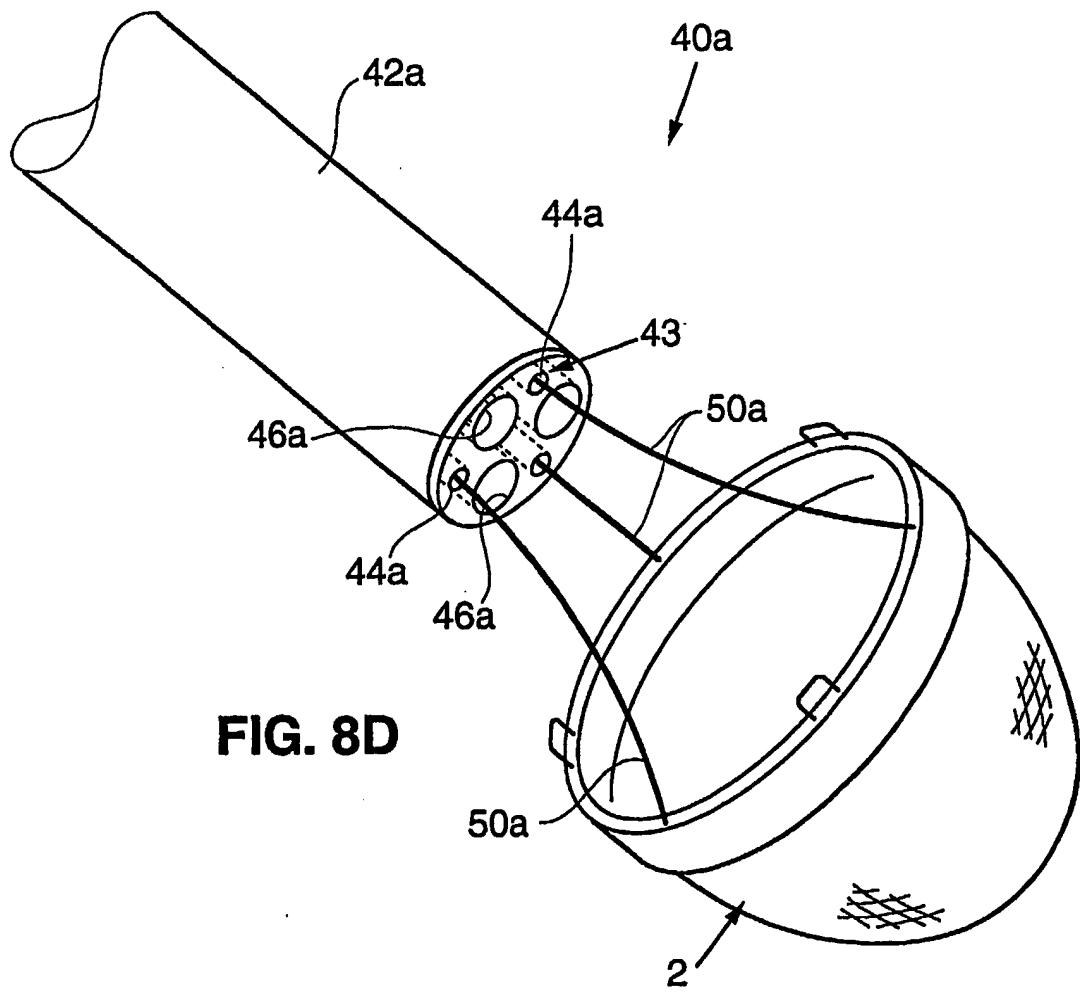
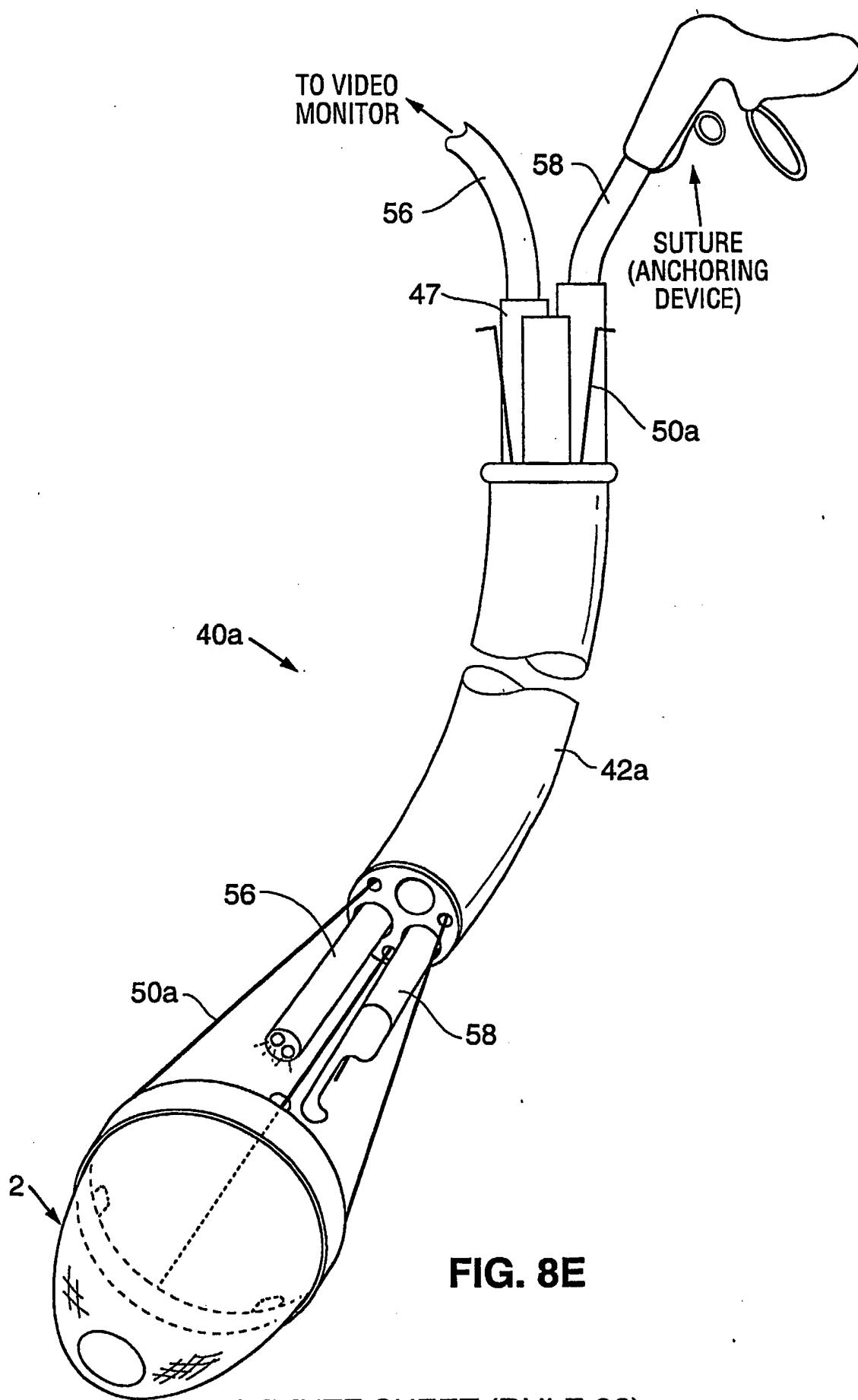


FIG. 8B

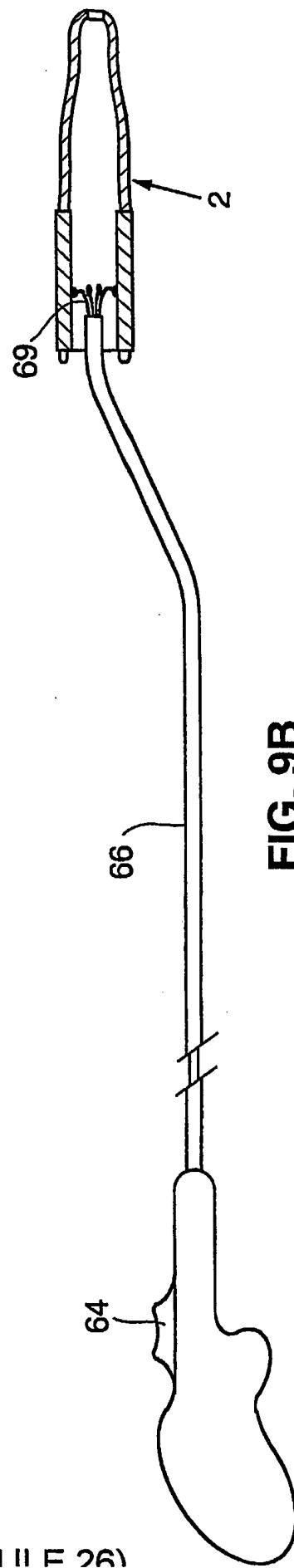
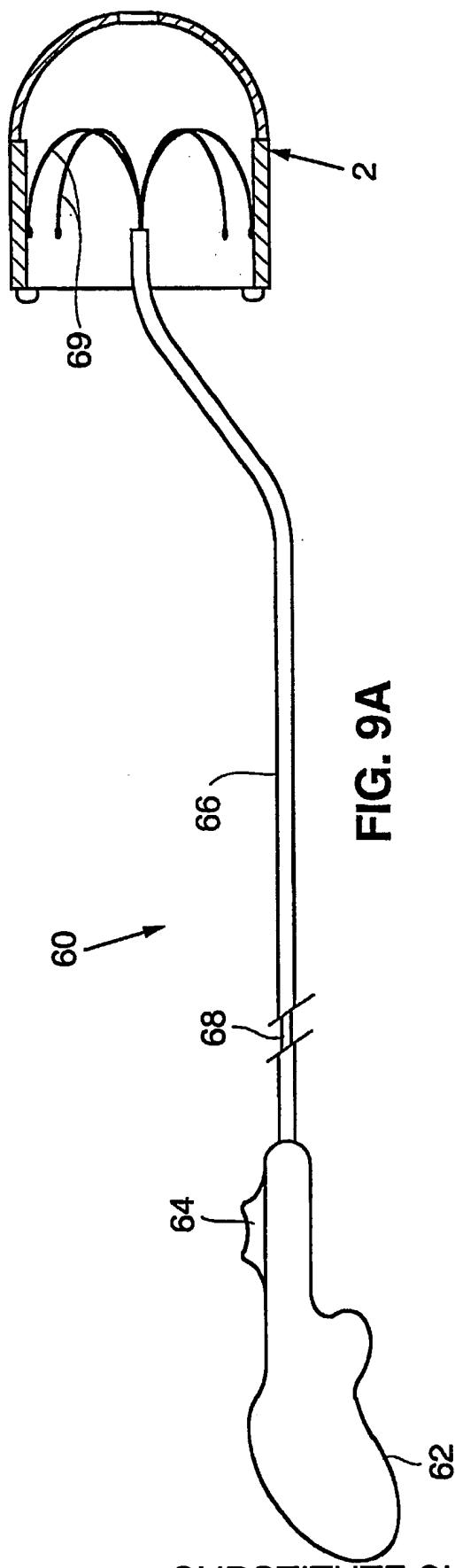
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**FIG. 8C****FIG. 8D**

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**FIG. 8E**

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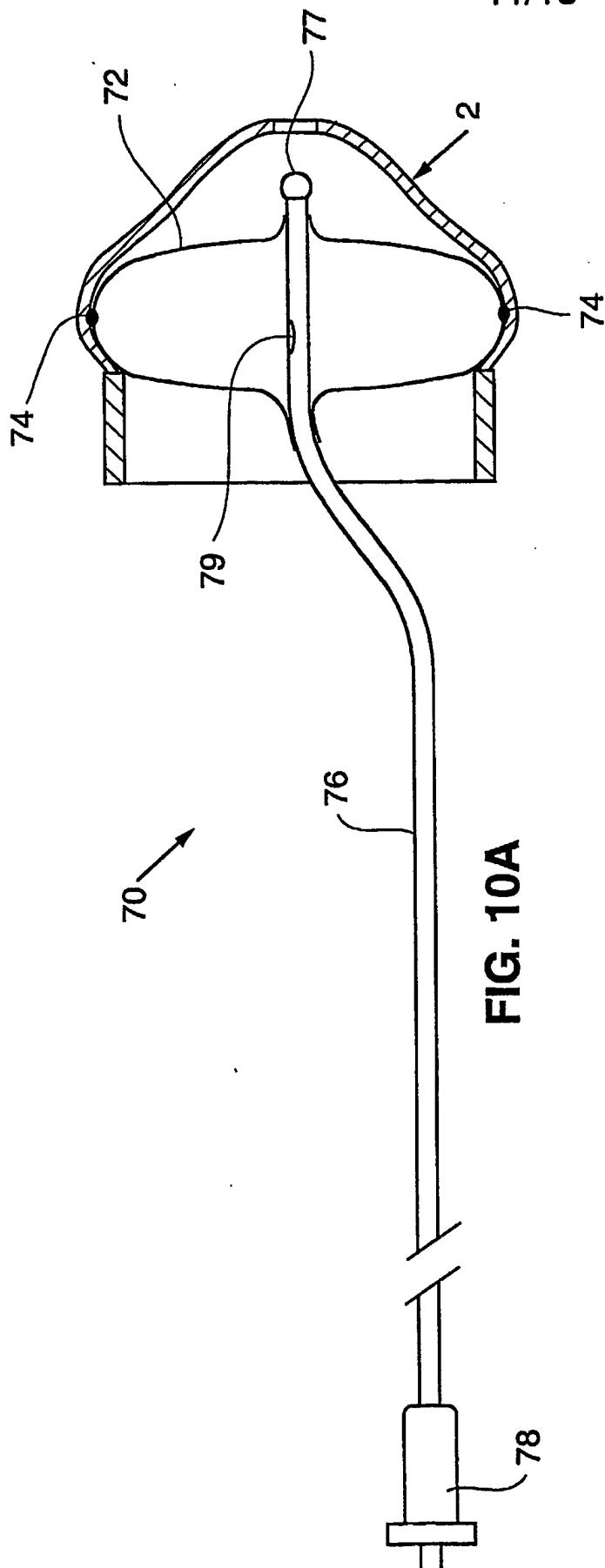


FIG. 10A

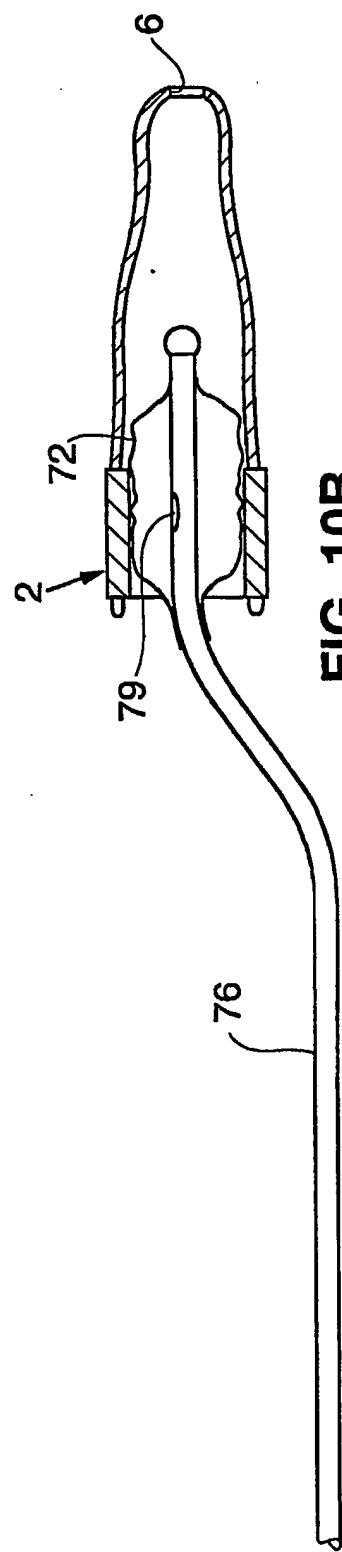


FIG. 10B

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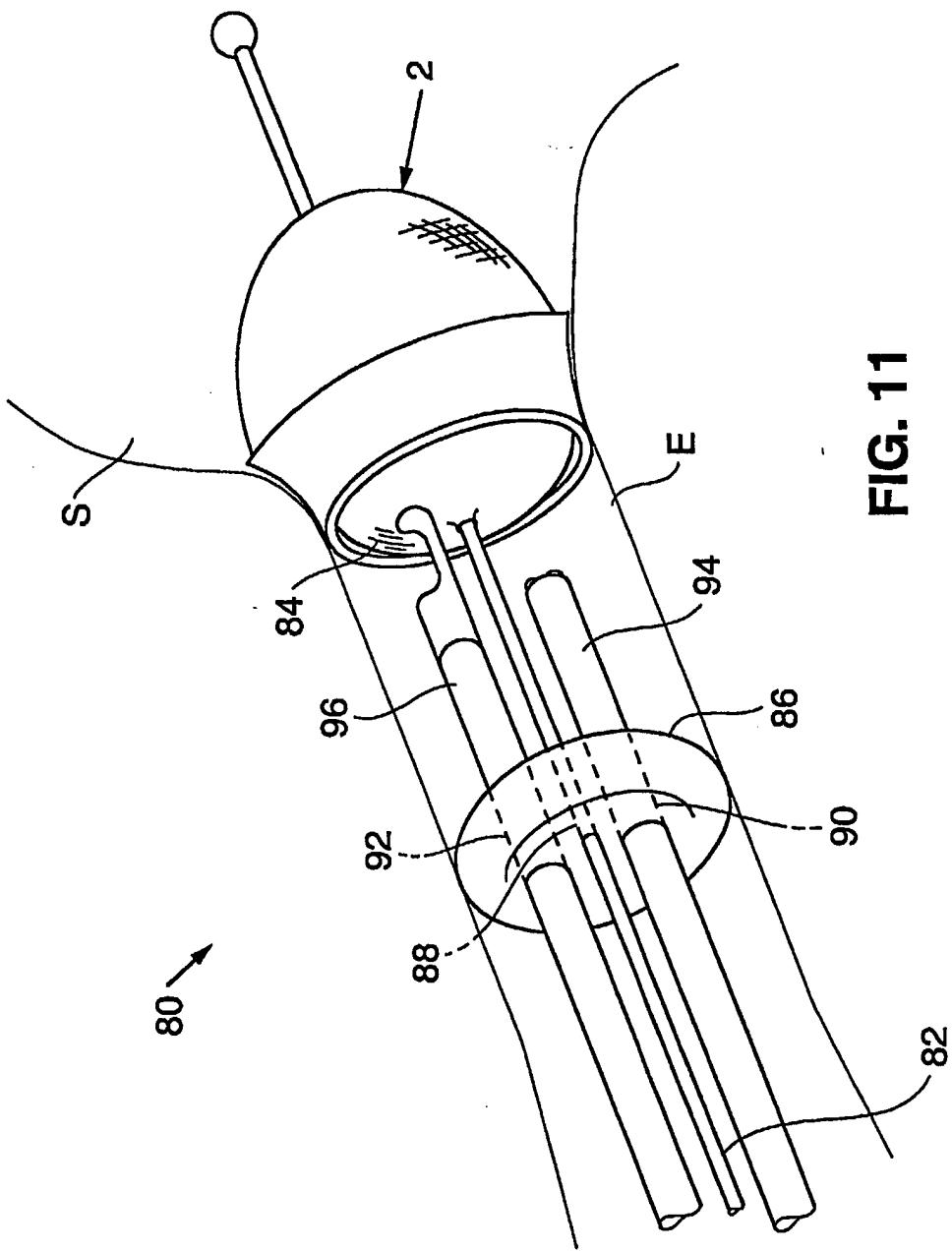
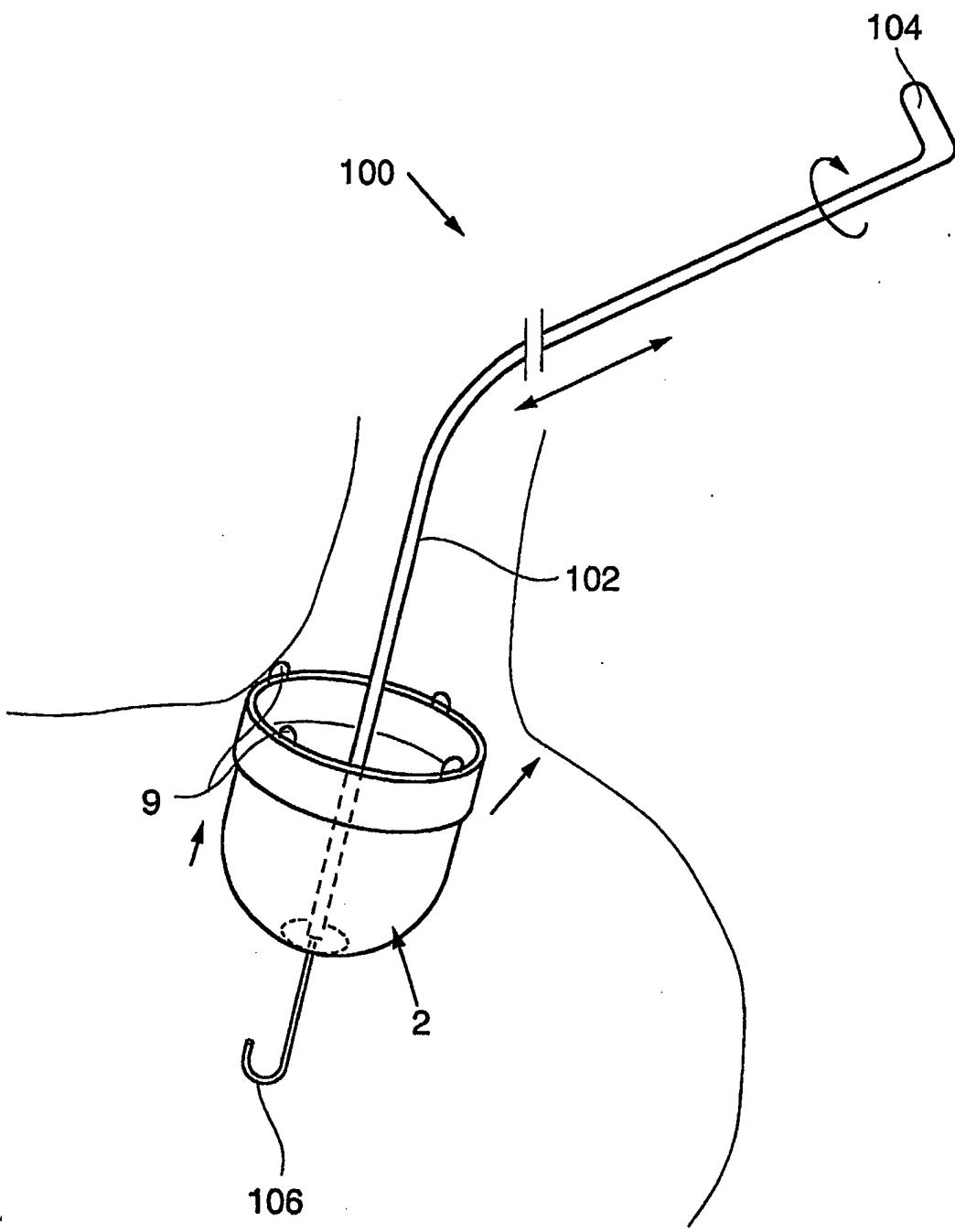


FIG. 11

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**FIG. 12**

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61F2/06 A61F5/00 A61F2/04

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EP0-Internal

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6 254 642 B1 (TAYLOR THOMAS V) 3 July 2001 (2001-07-03)	28-30, 34, 38-40, 44,48-54
Y	figures 4A,4B figures 6A-6E ---	31-33, 35-37, 41-43, 45-47
Y	US 2002/099439 A1 (SCHWARTZ ROBERT S ET AL) 25 July 2002 (2002-07-25) paragraphs '0065!, '0068! figures 14,15 ---	31-33, 41-43 -/-

 Further documents are listed in the continuation of box C. Patent family members are listed in annex.

## \* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority, claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

Date of mailing of the international search report

10 March 2004

29/03/2004

## Name and mailing address of the ISA

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## Authorized officer

Franz, V

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 2001/021796 A1 (SILVERMAN DAVID E ET AL) 13 September 2001 (2001-09-13) figure 7 paragraphs '0074!-'0076!	35-37, 45-47
A	US 5 749 918 A (HOGENDIJK MICHAEL ET AL) 12 May 1998 (1998-05-12) figures 6A,6B	31-33, 41-43
A	US 5 709 657 A (ZIMMON DAVID S) 20 January 1998 (1998-01-20) the whole document	28-54

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US 03/33606

## Box I Observations where certain claims were found unsearchable (Continuation of Item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: 1-27 because they relate to subject matter not required to be searched by this Authority, namely:  
**Rule 39.1(iv) PCT – Method for treatment of the human or animal body by surgery**
2.  Claims Nos.: because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3.  Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of Item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3.  As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4.  No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

### Remark on Protest

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

Patent document cited in search report		Publication date		Patent family member(s)		Publication date
US 6254642	B1	03-07-2001	US	2001020189 A1		06-09-2001
			US	2001020190 A1		06-09-2001
US 2002099439	A1	25-07-2002	AU	9644201 A		08-04-2002
			WO	0226168 A2		04-04-2002
US 2001021796	A1	13-09-2001	US	6238335 B1		29-05-2001
			US	2003199731 A1		23-10-2003
			AU	2358200 A		26-06-2000
			CA	2353970 A1		15-06-2000
			EP	1137454 A1		04-10-2001
			JP	2002531228 T		24-09-2002
			WO	0033908 A1		15-06-2000
			US	6251063 B1		26-06-2001
			US	6248058 B1		19-06-2001
			US	2003149335 A1		07-08-2003
			US	2003171645 A1		11-09-2003
			US	6234955 B1		22-05-2001
			US	6251064 B1		26-06-2001
			US	2003199730 A1		23-10-2003
			US	2004010182 A1		15-01-2004
			US	2001018548 A1		30-08-2001
			US	2002028979 A1		07-03-2002
			US	2001031910 A1		18-10-2001
			US	2002019579 A1		14-02-2002
US 5749918	A	12-05-1998	NONE			
US 5709657	A	20-01-1998	US	5308326 A		03-05-1994
			US	5653240 A		05-08-1997
			AT	129875 T		15-11-1995
			AU	5207393 A		03-02-1994
			AU	640675 B2		02-09-1993
			AU	6054490 A		06-02-1991
			CA	2063256 A1		29-12-1990
			DE	69023515 D1		14-12-1995
			DE	69023515 T2		04-04-1996
			DK	574378 T3		11-03-1996
			EP	0574378 A1		22-12-1993
			ES	2081372 T3		01-03-1996
			JP	2935565 B2		16-08-1999
			JP	4506311 T		05-11-1992
			WO	9100752 A1		24-01-1991